

The Chair, Lloyd Sullivan at 7:00pm called the regularly scheduled Selectmen's meeting to order. Those present included Jack Steiner and Jenifer Landman (Selectmen), and Russell McAllister (Town Administrator).

Questions & Comments

The Chair opened the meeting by stating that Ms. Landman was officially the ex-officio member of the planning board.

Mr. Landman briefed the Board about HB-512, which addressed the issue of Planning Board authority to direct developers to provide off-site improvements. A recent Supreme Court decision ruled that local planning boards could not require developers to provide off-site improvements. HB-512 will preserve local planning board authority to direct developers to provide off-site improvements. Mr. Landman urged the Board to write in support of the bill. Mr. Steiner made the motion to send such a letter. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

Lisa Wilson

Town reimbursement of legal costs for Jenifer and Bob Landman

Ms. Wilson recounted recent events surrounding the legal complications of M/M Landman and the Town. Ms. Wilson noted that the dismissal of Mr. Landman as RPC Commissioner by the Board was not possible legally. Therefore, Ms. Wilson urged that the Town reimburse Mr. Landman for the legal costs he incurred that are associated with his reinstatement as RPC Commissioner (\$1,311.11). Ms. Wilson also urged that the Town reimburse Ms. Landman for legal costs that are associated with her efforts to have the majority opinion of the Board represented in the lawsuit between Mr. Sullivan and the Town over the ex-officio status of a Selectmen to the Planning Board. Ms. Wilson believed that not having the Town reimburse the Landman's sent the wrong message to volunteers who acted in the best interests of the Town. Mr. Sullivan noted that the Board had authorized the hiring of Peter Loughlin as counsel to represent the town in *Sullivan v. Town of North Hampton*. Ms. Landman explained that she was compelled to hire Bernie Waugh as legal counsel for the Board of Selectmen due to very limited (24hrs) time constraints. Ms. Landman's legal costs to date were \$4,454.45 for Bernie Waugh and Bob Battles (\$500 retainer). Mr. Sullivan noted that he had a problem with reimbursement and asked when a legitimate disagreement between Board Members was followed through in this manner. Ms. Landman suggested that the problem could have been avoided by calling the NHMA or consulting as a Board with the Town Attorney. Mr. Homer Johnson concurred with Ms. Wilson and believed that reimbursement was the right thing to do. Mr. Larry Miller agreed with Mr. Johnson and Ms. Wilson and commented that attorneys have opinions, but that a judge renders decisions. He believed that everyone had learned a lesson. Mr. Roland Neves disagreed and added that reimbursement established a dangerous precedent whereby individuals engaging legal counsel at their own volition will now be encouraged to submit bills to the Town for payment. Mr. Larry Stuser commented that a precedent was being set regardless of the decision. He noted that non-reimbursement sent the wrong message and added that there were less costly ways to resolve conflict. Mr. Phil Wilson spoke to the integrity of the process and characterized the reimbursement of legal fees as an investment in doing what is right. Mr. Allen Hines noted that during his time as a Selectmen members were considered and acted as a collegial body. He regarded the cause of the present conflict as the inability of one member to follow the vote of a majority of the members. He favored reimbursement of legal costs for all parties. Mr. Tim Harned hoped a lesson was learned and that reimbursement of legal fees may be a means to fix a wrong decision. Mr. Bob Landman faulted John Ryan (legal counsel) for not mediating between members of the Board and that possibly the Town should make a claim on Mr. Ryan's errors and omissions insurance for bad advice given. More discussion ensued. It was finally determined to seek an opinion from legal counsel at the NHMA regarding the both the procedure and legality of the reimbursement issue.

Communication Tower

Discussion of contract and negotiation goals

A general discussion regarding the status of the telecommunications tower ensued. The appropriateness and necessity of utilizing the services of Bob Ciandella and/or Clay Mitchell to review the contract details prior to signing with American Tower Corporation. Mr. Steiner made the motion to contact Clay Mitchell regarding his service fees for reviewing the contract on behalf of the Town. Ms. Landman suggested that someone should make a very simple illustration showing the tower profile and how it would be divided up. It is proposed that the tower will be 180 ft. high, with communications in increments of 10 feet. If increments start at 130 there are 5 slots. Level 140-ft. was mentioned for Lamprey Oil communication needs. The fire and police have an area reserved, also. On the same illustration (perhaps another copy), we could add the names of the potential lessees and maybe a revenue estimate for each contract. A list of the lessees, and the services they intend to provide would clear up a few questions, and would give the town an estimate of the income this tower will bring in to offset taxes. Language should be built into the leases that clarifies the town's competitive position since we intend to use a spot to provide high-speed internet services on the town, which will provide income, but more importantly, provide high-speed services to the residents at an reasonable cost. We want to avoid a monopoly provider, even though that would be their motive. Ms. Landman seconded the motion. The vote was unanimous and so moved.

Selectmen Issues

Selectmen Committee Assignments

The Board took up the task of committee assignments. Ms. Landman noted that statute allowed for an alternate to the ex officio member from the Board of Selectmen. Ms. Landman nominated Mr. Phil Wilson to serve as an ex officio alternate. Mr. Steiner seconded the motion. A vote was taken. Mr. Steiner and Ms. Landman voted in the affirmative. Mr. Sullivan opposed. The motion carried. Mr. Wilson is the ex officio alternate. The Board agreed upon the following assignments.

| | |
|-----------------------------|-----------------|
| Planning Board (ex officio) | Jenifer Landman |
| Ex officio alternate | Phil Wilson |
| Heritage Commission | Jenifer Landman |
| Conservation Commission | Jack Steiner |
| Budget Committee | Lloyd Sullivan |

Mr. Sullivan noted that the granite posts for the signs were in and only holes needed to be drilled in the posts. Mr. Sullivan also noted that Code Enforcement duties were increasing and some adjustment may be necessary.

Ms. Landman noted that Howard Smith was serving on the Heritage Commission and his official confirmation was need. She noted that she had seen the Police taking pictures with a polaroid camera of graffiti behind the Factory Outlet Mall. She suggested that they use a digital camera. Ms. Landman also suggested placing the ordinances on the web site, tape recording of the planning board meetings for later transcription.

Administration/Business

Mr. Sullivan made the motion to accept the regular minutes as amended of April 23rd, 2001. Mr. Steiner seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

- a. Minutes - March 26th, 2001
- b. Payroll
- c. Manifest

- d. Lien Execution for unpaid taxes Year 2000. Journal entry method approved by Board.
- e. Intent to Cut - 73 Exeter Road (Lee Whitney)
- f. Rockingham County Nursing Home - Certification of residency
- g. Deputy Warden appointment
- h. ZBA Appointment - Bob Field (signed)
- i. [Paving Bids](#)

| Company | Price per/ton |
|---------------------------------|---------------|
| Bayside Paving | 34.95 |
| Continental Paving | 33.40 |
| Brox Brothers | 31.30 |
| Pike Industries | 31.20 |
| Interstate Bituminous Materials | 32.50 |
| Petra Paving | 37.37 |

The Board voted to award the paving bid to Pike Industries for 31.20 per ton of asphalt.

- j. Impact Fee Workshop
- k. Mosquito Man Update
- l. North Hampton Business Association Mtg. 05/04/2001 8:00am Regal Limousine
- m. Memorial Day Exercises May 28, 2001
- n. Executive Council Reception May 23rd 10:30am at the Wentworth Coolidge Mansion
- o. Rockingham County Nursing Home data
- p. Conservation Commission News
- q. LCHIP
- r. CEDS Project - To submit, or not to submit a project?
- s. CDBG Grant Application

The TA briefed the Board that Don Lamprey was looking to expand his business and was seeking to utilize the services of the regional development corporation, Seacoast Business Alliance Corporation, to submit an economic development grant to the Office of State Planning on his behalf. The grant involved federal money and therefore a public hearing was required as part of the application process. The meeting is scheduled for June 11th at 7:00pm prior to the start of the Selectmen's meeting.

[Adjournment](#)

There being no further business to come before the Board the public meeting adjourned at approximately 9:32pm

Respectfully,

Russell McAllister
Town Administrator